

Van Schick



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Waste Conversion, Inc.

File: B-234761

Date: April 11, 1989

DIGEST

Protester is not an interested party to maintain protest where it would not be eligible to receive award even if protest were sustained due to initiation of debarment proceedings against it.

DECISION

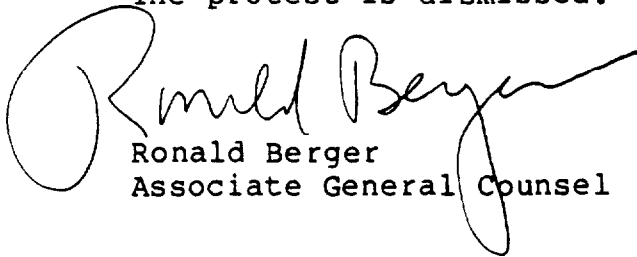
Waste Conversion, Inc., protests the determination by the Defense Logistics Agency (DLA) that the firm is not a responsible offeror under request for proposals (RFP) No. DLA200-88-R-0055, for hazardous waste disposal. DLA found Waste Conversion to be nonresponsible after the New Jersey Department of Environmental Protection determined that Waste Conversion and its named officers engaged in fraudulent practices in conducting their hazardous waste disposal business and had ordered the imposition of a large fine and the revocation of the firm's state license. We dismiss the protest because Waste Conversion is not an interested party to maintain a protest before our Office.

By letter dated March 10, 1989, DLA notified Waste Conversion that it had initiated debarment proceedings against the firm. The notice of proposed debarment was issued as a result of Waste Conversion's conviction in Lycoming County, Pennsylvania for knowingly overloading a truck and improperly dumping hazardous residual wastes. The letter advised Waste Conversion that pending a decision on debarment, the Department of Defense would not solicit offers from, award contracts to, renew or otherwise extend contracts with, or approve subcontracts with it unless the Secretary concerned or his authorized representative stated in writing that there was a compelling reason to do so.

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As the agency's letter indicates, a firm for which debarment has been initiated is precluded from receiving any contract awards from the agency involved pending a final debarment decision. Federal Acquisition Regulation § 9.406-3(c)(7); Firm Maximillian Romer and Partner, B-226333 et al., Apr. 14, 1987, 87-1 CPD ¶ 408. Since Waste Conversion would therefore not be eligible for award under the challenged RFP even if its protest were sustained, it is not an interested party to maintain a protest under our Bid Protest Regulations, 4 C.F.R. § 21.0(a) (1988). Id.

The protest is dismissed.



Ronald Berger
Associate General Counsel